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(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. CRANE introduced the following bill; which was referred to the Committee
on _____

A BILL

To authorize appropriations for fiscal years 2002 and 2003
for the United States Customs Service for antiterrorism,
drug interdiction, and other operations, for the Office
of the United States Trade Representative, for the
United States International Trade Commission, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*



1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Customs Border Secu-
3 rity Act of 2001”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—UNITED STATES CUSTOMS SERVICE

**Subtitle A—Drug Enforcement and Other Noncommercial and Commercial
Operations**

Sec. 101. Authorization of appropriations for noncommercial operations, com-
mercial operations, and air and marine interdiction.

Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United
States-Mexico border, United States-Canada border, and Flor-
ida and the Gulf Coast seaports.

Sec. 103. Compliance with performance plan requirements.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

Sec. 111. Authorization of appropriations for program to prevent child pornog-
raphy/child sexual exploitation.

Subtitle C—Personnel Provisions

**CHAPTER 1—OVERTIME AND PREMIUM PAY OF OFFICERS OF THE CUSTOMS
SERVICE**

Sec. 121. Correction relating to fiscal year cap.

Sec. 122. Correction relating to overtime pay.

Sec. 123. Correction relating to premium pay.

Sec. 124. Effective date.

CHAPTER 2—MISCELLANEOUS PROVISIONS

Sec. 131. Study and report relating to personnel practices of the Customs Serv-
ice.

Sec. 132. Study and report relating to accounting and auditing procedures of
the Customs Service.

Sec. 133. Establishment and implementation of cost accounting system; re-
ports.

Sec. 134. Requirement relating to timeliness of prospective rulings.

Sec. 135. Study and report relating to Customs user fees.

Subtitle D—Antiterrorism Provisions

Sec. 141. Immunity for United States officials that act in good faith.

Sec. 142. Emergency adjustments to offices, ports of entry, or staffing of the
Customs Service.

Sec. 143. Mandatory advanced electronic information for cargo and passengers.



Sec. 144. Border search authority for certain contraband in outbound mail.

Sec. 145. Authorization of appropriations for reestablishment of Customs operations in New York City.

Subtitle E—Textile Transshipment Provisions

Sec. 151. GAO audit of textile transshipment monitoring by Customs Service.

Sec. 152. Authorization of appropriations for textile transshipment enforcement operations.

TITLE II—OFFICE OF THE UNITED STATES TRADE
REPRESENTATIVE

Sec. 201. Authorization of appropriations.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

Sec. 301. Authorization of appropriations.

TITLE IV—OTHER TRADE PROVISIONS

Sec. 401. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.

Sec. 402. Regulatory audit procedures.

1 **TITLE I—UNITED STATES**
2 **CUSTOMS SERVICE**
3 **Subtitle A—Drug Enforcement and**
4 **Other Noncommercial and Com-**
5 **mercial Operations**

6 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NON-**
7 **COMMERCIAL OPERATIONS, COMMERCIAL**
8 **OPERATIONS, AND AIR AND MARINE INTER-**
9 **DICTION.**

10 (a) NONCOMMERCIAL OPERATIONS.—Section
11 301(b)(1) of the Customs Procedural Reform and Sim-
12 plification Act of 1978 (19 U.S.C. 2075(b)(1)) is
13 amended—

14 (1) in subparagraph (A) to read as follows:



1 “(A) \$1,006,501,000 for fiscal year
2 2002.”; and

3 (2) in subparagraph (B) to read as follows:

4 “(B) \$1,032,567,000 for fiscal year
5 2003.”.

6 (b) COMMERCIAL OPERATIONS.—

7 (1) IN GENERAL.—Section 301(b)(2)(A) of the
8 Customs Procedural Reform and Simplification Act
9 of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

10 (A) in clause (i) to read as follows:

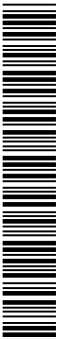
11 “(i) \$1,378,725,000 for fiscal year 2002.”;

12 and

13 (B) in clause (ii) to read as follows:

14 “(ii) \$1,414,432,000 for fiscal year
15 2003.”.

16 (2) AUTOMATED COMMERCIAL ENVIRONMENT
17 COMPUTER SYSTEM.—Of the amount made available
18 for each of fiscal years 2002 and 2003 under section
19 301(b)(2)(A) of the Customs Procedural Reform and
20 Simplification Act of 1978 (19 U.S.C.
21 2075(b)(2)(A)), as amended by paragraph (1),
22 \$308,000,000 shall be available until expended for
23 each such fiscal year for the development, establish-
24 ment, and implementation of the Automated Com-
25 mercial Environment computer system.



1 (3) REPORTS.—Not later than 90 days after
2 the date of the enactment of this Act, and not later
3 than each subsequent 90-day period, the Commis-
4 sioner of Customs shall prepare and submit to the
5 Committee on Ways and Means of the House of
6 Representatives and the Committee on Finance of
7 the Senate a report demonstrating that the develop-
8 ment and establishment of the Automated Commer-
9 cial Environment computer system is being carried
10 out in a cost-effective manner and meets the mod-
11 ernization requirements of title VI of the North
12 American Free Trade Agreements Implementation
13 Act.

14 (c) AIR AND MARINE INTERDICTION.—Section
15 301(b)(3) of the Customs Procedural Reform and Sim-
16 plification Act of 1978 (19 U.S.C. 2075(b)(3)) is
17 amended—

18 (1) in subparagraph (A) to read as follows:

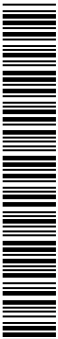
19 “(A) \$183,853,000 for fiscal year 2002.”;

20 and

21 (2) in subparagraph (B) to read as follows:

22 “(B) \$188,615,000 for fiscal year 2003.”.

23 (d) SUBMISSION OF OUT-YEAR BUDGET PROJEC-
24 TIONS.—Section 301(a) of the Customs Procedural Re-



1 form and Simplification Act of 1978 (19 U.S.C. 2075(a))
2 is amended by adding at the end the following:

3 “(3) By not later than the date on which the Presi-
4 dent submits to Congress the budget of the United States
5 Government for a fiscal year, the Commissioner of Cus-
6 toms shall submit to the Committee on Ways and Means
7 of the House of Representatives and the Committee on
8 Finance of the Senate the projected amount of funds for
9 the succeeding fiscal year that will be necessary for the
10 operations of the Customs Service as provided for in sub-
11 section (b).”.

12 **SEC. 102. ANTITERRORIST AND ILLICIT NARCOTICS DETEC-**
13 **TION EQUIPMENT FOR THE UNITED STATES-**
14 **MEXICO BORDER, UNITED STATES-CANADA**
15 **BORDER, AND FLORIDA AND THE GULF**
16 **COAST SEAPORTS.**

17 (a) FISCAL YEAR 2002.—Of the amounts made avail-
18 able for fiscal year 2002 under section 301(b)(1)(A) of
19 the Customs Procedural Reform and Simplification Act of
20 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section
21 101(a) of this Act, \$90,244,000 shall be available until
22 expended for acquisition and other expenses associated
23 with implementation and deployment of antiterrorist and
24 illicit narcotics detection equipment along the United



1 States-Mexico border, the United States-Canada border,
2 and Florida and the Gulf Coast seaports, as follows:

3 (1) UNITED STATES-MEXICO BORDER.—For the
4 United States-Mexico border, the following:

5 (A) \$6,000,000 for 8 Vehicle and Con-
6 tainer Inspection Systems (VACIS).

7 (B) \$11,200,000 for 5 mobile truck x-rays
8 with transmission and backscatter imaging.

9 (C) \$13,000,000 for the upgrade of 8
10 fixed-site truck x-rays from the present energy
11 level of 450,000 electron volts to 1,000,000
12 electron volts (1-MeV).

13 (D) \$7,200,000 for 8 1-MeV pallet x-rays.

14 (E) \$1,000,000 for 200 portable contra-
15 band detectors (busters) to be distributed
16 among ports where the current allocations are
17 inadequate.

18 (F) \$600,000 for 50 contraband detection
19 kits to be distributed among all southwest bor-
20 der ports based on traffic volume.

21 (G) \$500,000 for 25 ultrasonic container
22 inspection units to be distributed among all
23 ports receiving liquid-filled cargo and to ports
24 with a hazardous material inspection facility.



1 (H) \$2,450,000 for 7 automated targeting
2 systems.

3 (I) \$360,000 for 30 rapid tire deflator sys-
4 tems to be distributed to those ports where port
5 runners are a threat.

6 (J) \$480,000 for 20 portable Treasury En-
7 forcement Communications Systems (TECS)
8 terminals to be moved among ports as needed.

9 (K) \$1,000,000 for 20 remote watch sur-
10 veillance camera systems at ports where there
11 are suspicious activities at loading docks, vehi-
12 cle queues, secondary inspection lanes, or areas
13 where visual surveillance or observation is ob-
14 scured.

15 (L) \$1,254,000 for 57 weigh-in-motion
16 sensors to be distributed among the ports with
17 the greatest volume of outbound traffic.

18 (M) \$180,000 for 36 AM traffic informa-
19 tion radio stations, with 1 station to be located
20 at each border crossing.

21 (N) \$1,040,000 for 260 inbound vehicle
22 counters to be installed at every inbound vehicle
23 lane.

24 (O) \$950,000 for 38 spotter camera sys-
25 tems to counter the surveillance of customs in-



1 speciation activities by persons outside the bound-
2 aries of ports where such surveillance activities
3 are occurring.

4 (P) \$390,000 for 60 inbound commercial
5 truck transponders to be distributed to all ports
6 of entry.

7 (Q) \$1,600,000 for 40 narcotics vapor and
8 particle detectors to be distributed to each bor-
9 der crossing.

10 (R) \$400,000 for license plate reader auto-
11 matic targeting software to be installed at each
12 port to target inbound vehicles.

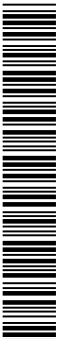
13 (2) UNITED STATES-CANADA BORDER.—For the
14 United States-Canada border, the following:

15 (A) \$3,000,000 for 4 Vehicle and Con-
16 tainer Inspection Systems (VACIS).

17 (B) \$8,800,000 for 4 mobile truck x-rays
18 with transmission and backscatter imaging.

19 (C) \$3,600,000 for 4 1-MeV pallet x-rays.

20 (D) \$250,000 for 50 portable contraband
21 detectors (busters) to be distributed among
22 ports where the current allocations are inad-
23 equate.



1 (E) \$300,000 for 25 contraband detection
2 kits to be distributed among ports based on
3 traffic volume.

4 (F) \$240,000 for 10 portable Treasury
5 Enforcement Communications Systems (TECS)
6 terminals to be moved among ports as needed.

7 (G) \$400,000 for 10 narcotics vapor and
8 particle detectors to be distributed to each bor-
9 der crossing based on traffic volume.

10 (3) FLORIDA AND GULF COAST SEAPORTS.—
11 For Florida and the Gulf Coast seaports, the fol-
12 lowing:

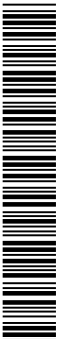
13 (A) \$4,500,000 for 6 Vehicle and Con-
14 tainer Inspection Systems (VACIS).

15 (B) \$11,800,000 for 5 mobile truck x-rays
16 with transmission and backscatter imaging.

17 (C) \$7,200,000 for 8 1-MeV pallet x-rays.

18 (D) \$250,000 for 50 portable contraband
19 detectors (busters) to be distributed among
20 ports where the current allocations are inad-
21 equate.

22 (E) \$300,000 for 25 contraband detection
23 kits to be distributed among ports based on
24 traffic volume.



1 (b) FISCAL YEAR 2003.—Of the amounts made avail-
2 able for fiscal year 2003 under section 301(b)(1)(B) of
3 the Customs Procedural Reform and Simplification Act of
4 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section
5 101(a) of this Act, \$9,000,000 shall be available until ex-
6 pended for the maintenance and support of the equipment
7 and training of personnel to maintain and support the
8 equipment described in subsection (a).

9 (c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR
10 EQUIPMENT; TRANSFER OF FUNDS.—

11 (1) IN GENERAL.—The Commissioner of Cus-
12 toms may use amounts made available for fiscal year
13 2002 under section 301(b)(1)(A) of the Customs
14 Procedural Reform and Simplification Act of 1978
15 (19 U.S.C. 2075(b)(1)(A)), as amended by section
16 101(a) of this Act, for the acquisition of equipment
17 other than the equipment described in subsection (a)
18 if such other equipment—

19 (A)(i) is technologically superior to the
20 equipment described in subsection (a); and

21 (ii) will achieve at least the same results at
22 a cost that is the same or less than the equip-
23 ment described in subsection (a); or

24 (B) can be obtained at a lower cost than
25 the equipment described in subsection (a).



1 (2) TRANSFER OF FUNDS.—Notwithstanding
2 any other provision of this section, the Commissioner
3 of Customs may reallocate an amount not to exceed
4 10 percent of—

5 (A) the amount specified in any of sub-
6 paragraphs (A) through (R) of subsection
7 (a)(1) for equipment specified in any other of
8 such subparagraphs (A) through (R);

9 (B) the amount specified in any of sub-
10 paragraphs (A) through (G) of subsection
11 (a)(2) for equipment specified in any other of
12 such subparagraphs (A) through (G); and

13 (C) the amount specified in any of sub-
14 paragraphs (A) through (E) of subsection
15 (a)(3) for equipment specified in any other of
16 such subparagraphs (A) through (E).

17 **SEC. 103. COMPLIANCE WITH PERFORMANCE PLAN RE-**
18 **QUIREMENTS.**

19 As part of the annual performance plan for each of
20 the fiscal years 2002 and 2003 covering each program ac-
21 tivity set forth in the budget of the United States Customs
22 Service, as required under section 1115 of title 31, United
23 States Code, the Commissioner of Customs shall establish
24 performance goals, performance indicators, and comply
25 with all other requirements contained in paragraphs (1)



1 through (6) of subsection (a) of such section with respect
2 to each of the activities to be carried out pursuant to sec-
3 tions 111 and 112 of this Act.

4 **Subtitle B—Child Cyber-Smuggling**
5 **Center of the Customs Service**

6 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PRO-**
7 **GRAM TO PREVENT CHILD PORNOGRAPHY/**
8 **CHILD SEXUAL EXPLOITATION.**

9 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Customs Service
11 \$10,000,000 for fiscal year 2002 to carry out the program
12 to prevent child pornography/child sexual exploitation es-
13 tablished by the Child Cyber-Smuggling Center of the
14 Customs Service.

15 (b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY
16 CYBER TIPLINE.—Of the amount appropriated under sub-
17 section (a), the Customs Service shall provide 3.75 percent
18 of such amount to the National Center for Missing and
19 Exploited Children for the operation of the child pornog-
20 raphy cyber tipline of the Center and for increased public
21 awareness of the tipline.



1 **Subtitle C—Personnel Provisions**
2 **CHAPTER 1—OVERTIME AND PREMIUM**
3 **PAY OF OFFICERS OF THE CUSTOMS**
4 **SERVICE**

5 **SEC. 121. CORRECTION RELATING TO FISCAL YEAR CAP.**

6 Section 5(c)(1) of the Act of February 13, 1911 (19
7 U.S.C. 267(c)(1)) is amended to read as follows:

8 “(1) FISCAL YEAR CAP.—The aggregate of
9 overtime pay under subsection (a) (including com-
10 muting compensation under subsection (a)(2)(B))
11 that a customs officer may be paid in any fiscal year
12 may not exceed \$30,000, except that—

13 “(A) the Commissioner of Customs or his
14 or her designee may waive this limitation in in-
15 dividual cases in order to prevent excessive
16 costs or to meet emergency requirements of the
17 Customs Service; and

18 “(B) upon certification by the Commis-
19 sioner of Customs to the Chairmen of the Com-
20 mittee on Ways and Means of the House of
21 Representatives and the Committee on Finance
22 of the Senate that the Customs Service has in
23 operation a system that provides accurate and
24 reliable data on a daily basis on overtime and
25 premium pay that is being paid to customs offi-



1 cers, the Commissioner is authorized to pay any
2 customs officer for one work assignment that
3 would result in the overtime pay of that officer
4 exceeding the \$30,000 limitation imposed by
5 this paragraph, in addition to any overtime pay
6 that may be received pursuant to a waiver
7 under subparagraph (A).”.

8 **SEC. 122. CORRECTION RELATING TO OVERTIME PAY.**

9 Section 5(a)(1) of the Act of February 13, 1911 (19
10 U.S.C. 267(a)(1)), is amended by inserting after the first
11 sentence the following new sentences: “Overtime pay pro-
12 vided under this subsection shall not be paid to any cus-
13 toms officer unless such officer actually performed work
14 during the time corresponding to such overtime pay. The
15 preceding sentence shall not apply with respect to the pay-
16 ment of an award or settlement to a customs officer who
17 was unable to perform overtime work as a result of a per-
18 sonnel action in violation of section 5596 of title 5, United
19 States Code, section 6(d) of the Fair Labor Standards Act
20 of 1938, or title VII of the Civil Rights Act of 1964.”.

21 **SEC. 123. CORRECTION RELATING TO PREMIUM PAY.**

22 (a) IN GENERAL.—Section 5(b)(4) of the Act of Feb-
23 ruary 13, 1911 (19 U.S.C. 267(b)(4)), is amended by add-
24 ing after the first sentence the following new sentences:
25 “Premium pay provided under this subsection shall not



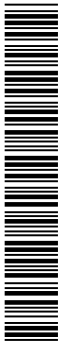
1 be paid to any customs officer unless such officer actually
2 performed work during the time corresponding to such
3 premium pay. The preceding sentence shall not apply with
4 respect to the payment of an award or settlement to a
5 customs officer who was unable to perform work during
6 the time described in the preceding sentence as a result
7 of a personnel action in violation of section 5596 of title
8 5, United States Code, section 6(d) of the Fair Labor
9 Standards Act of 1938, or title VII of the Civil Rights
10 Act of 1964.”.

11 (b) CORRECTIONS RELATING TO NIGHT WORK DIF-
12 FERENTIAL PAY.—Section 5(b)(1) of such Act (19 U.S.C.
13 267(b)(1)) is amended to read as follows:

14 “(1) NIGHT WORK DIFFERENTIAL.—

15 “(A) 5 P.M. TO MIDNIGHT.—(i) If any
16 hours of regularly scheduled work of a customs
17 officer occur during the hours of 5 p.m. and 12
18 a.m., the officer is entitled to pay for such
19 hours of work (except for work to which para-
20 graph (2) or (3) applies) at the officer’s hourly
21 rate of basic pay plus premium pay amounting
22 to 18 percent of that basic rate.

23 “(ii) If the regularly scheduled work of a
24 customs officer is 4 p.m. to 12:00 a.m., the offi-
25 cer is entitled to pay for work during such pe-



1 riod (except for work to which paragraph (2) or
2 (3) applies) at the officer's hourly rate of basic
3 pay plus premium pay amounting to 18 percent
4 of that basic rate.

5 “(B) MIDNIGHT TO 6 A.M.—(i) If any
6 hours of regularly scheduled work of a customs
7 officer occur during the hours of 12 a.m. and
8 6 a.m., the officer is entitled to pay for such
9 hours of work (except for work to which para-
10 graph (2) or (3) applies) at the officer's hourly
11 rate of basic pay plus premium pay amounting
12 to 25 percent of that basic rate.

13 “(ii) If the regularly scheduled work of a
14 customs officer is 12 a.m. to 8:00 a.m., the offi-
15 cer is entitled to pay for work during such pe-
16 riod (except for work to which paragraph (2) or
17 (3) applies) at the officer's hourly rate of basic
18 pay plus premium pay amounting to 25 percent
19 of that basic rate.”.

20 **SEC. 124. EFFECTIVE DATE.**

21 This chapter, and the amendments made by this
22 chapter, shall apply with respect to pay periods beginning
23 on or after 15 days after the date of the enactment of
24 this Act.



1 **CHAPTER 2—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 131. STUDY AND REPORT RELATING TO PERSONNEL**
4 **PRACTICES OF THE CUSTOMS SERVICE.**

5 (a) STUDY.—The Commissioner of Customs shall
6 conduct a study of current personnel practices of the Cus-
7 toms Service, including an overview of performance stand-
8 ards and the effect and impact of the collective bargaining
9 process on drug interdiction efforts of the Customs Service
10 and a comparison of duty rotation policies of the Customs
11 Service and other Federal agencies that employ similarly-
12 situated personnel.

13 (b) REPORT.—Not later than 120 days after the date
14 of the enactment of this Act, the Commissioner of Cus-
15 toms shall submit to the Committee on Ways and Means
16 of the House of Representatives and the Committee on
17 Finance of the Senate a report containing the results of
18 the study conducted under subsection (a).

19 **SEC. 132. STUDY AND REPORT RELATING TO ACCOUNTING**
20 **AND AUDITING PROCEDURES OF THE CUS-**
21 **TOMS SERVICE.**

22 (a) STUDY.—(1) The Commissioner of Customs shall
23 conduct a study of actions by the Customs Service to en-
24 sure that appropriate training is being provided to Cus-



1 toms Service personnel who are responsible for financial
2 auditing of importers.

3 (2) In conducting the study, the Commissioner—

4 (A) shall specifically identify those actions
5 taken to comply with provisions of law that protect
6 the privacy and trade secrets of importers, such as
7 section 552(b) of title 5, United States Code, and
8 section 1905 of title 18, United States Code; and

9 (B) shall provide for public notice and comment
10 relating to verification of the actions described in
11 subparagraph (A).

12 (b) REPORT.—Not later than 6 months after the date
13 of the enactment of this Act, the Commissioner of Cus-
14 toms shall submit to the Committee on Ways and Means
15 of the House of Representatives and the Committee on
16 Finance of the Senate a report containing the results of
17 the study conducted under subsection (a).

18 **SEC. 133. ESTABLISHMENT AND IMPLEMENTATION OF**
19 **COST ACCOUNTING SYSTEM; REPORTS.**

20 (a) ESTABLISHMENT AND IMPLEMENTATION.—

21 (1) IN GENERAL.—Not later than September
22 30, 2003, the Commissioner of Customs shall, in ac-
23 cordance with the audit of the Customs Service's fis-
24 cal years 2000 and 1999 financial statements (as
25 contained in the report of the Office of the Inspector



1 General of the Department of the Treasury issued
2 on February 23, 2001), establish and implement a
3 cost accounting system for expenses incurred in both
4 commercial and noncommercial operations of the
5 Customs Service.

6 (2) **ADDITIONAL REQUIREMENT.**—The cost ac-
7 counting system described in paragraph (1) shall
8 provide for an identification of expenses based on
9 the type of operation, the port at which the oper-
10 ation took place, the amount of time spent on the
11 operation by personnel of the Customs Service, and
12 an identification of expenses based on any other ap-
13 propriate classification necessary to provide for an
14 accurate and complete accounting of the expenses.

15 (b) **REPORTS.**—Beginning on the date of the enact-
16 ment of this Act and ending on the date on which the
17 cost accounting system described in subsection (a) is fully
18 implemented, the Commissioner of Customs shall prepare
19 and submit to Congress on a quarterly basis a report on
20 the progress of implementing the cost accounting system
21 pursuant to subsection (a).

22 **SEC. 134. REQUIREMENT RELATING TO TIMELINESS OF**
23 **PROSPECTIVE RULINGS.**

24 (a) **REQUIREMENT.**—



1 (1) IN GENERAL.—Subject to paragraph (2),
2 the Commissioner of Customs shall ensure that each
3 prospective ruling of the Office of Regulations and
4 Rulings of the Customs Service is issued not later
5 than 90 days after the date on which a request for
6 the ruling is received by the Customs Service.

7 (2) EXCEPTION.—The Commissioner may es-
8 tablish exceptions from the requirement of para-
9 graph (1) for emergency circumstances.

10 (b) DEFINITION.—In this section, the term “prospec-
11 tive ruling” means a ruling that is requested by an im-
12 porter on goods that are proposed to be imported into the
13 United States and that relates to the proper classification,
14 valuation, or marking of such goods.

15 **SEC. 135. STUDY AND REPORT RELATING TO CUSTOMS**
16 **USER FEES.**

17 (a) STUDY.—The Comptroller General shall conduct
18 a study on the extent to which the amount of each customs
19 user fee imposed under section 13031(a) of the Consoli-
20 dated Omnibus Budget Reconciliation Act of 1985 (19
21 U.S.C. 58c(a)) is commensurate with the level of services
22 provided by the Customs Service relating to the fee so im-
23 posed.

24 (b) REPORT.—Not later than 120 days after the date
25 of the enactment of this Act, the Comptroller General shall



1 submit to the Committee on Ways and Means of the
2 House of Representatives and the Committee on Finance
3 of the Senate a report containing—

4 (1) the results of the study conducted under
5 subsection (a); and

6 (2) recommendations for the appropriate
7 amount of the customs user fees if such results indi-
8 cate that the fees are not commensurate with the
9 level of services provided by the Customs Service.

10 **Subtitle D—Antiterrorism**
11 **Provisions**

12 **SEC. 141. IMMUNITY FOR UNITED STATES OFFICIALS THAT**
13 **ACT IN GOOD FAITH.**

14 (a) IMMUNITY.—Section 3061 of the Revised Stat-
15 utes (19 U.S.C. 482) is amended—

16 (1) by striking “Any of the officers” and insert-
17 ing “(a) Any of the officers”; and

18 (2) by adding at the end the following:

19 “(b) Any officer or employee of the United States
20 conducting a search of a person pursuant to subsection
21 (a) shall not be held liable for any civil damages as a result
22 of such search if the officer or employee performed the
23 search in good faith.”.

24 (b) REQUIREMENT TO POST POLICY AND PROCE-
25 DURES FOR SEARCHES OF PASSENGERS.—Not later than



1 30 days after the date of the enactment of this Act, the
2 Commissioner of the Customs Service shall ensure that at
3 each Customs border facility appropriate notice is posted
4 that provides a summary of the policy and procedures of
5 the Customs Service for searching passengers, including
6 a statement of the policy relating to the prohibition on
7 the conduct of profiling of passengers based on race.

8 **SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS**
9 **OF ENTRY, OR STAFFING OF THE CUSTOMS**
10 **SERVICE.**

11 Section 318 of the Tariff Act of 1930 (19 U.S.C.
12 1318) is amended—

13 (1) by striking “Whenever the President” and
14 inserting “(a) Whenever the President”; and

15 (2) by adding at the end the following:

16 “(b)(1) Notwithstanding any other provision of law,
17 the Secretary of the Treasury, when necessary to respond
18 to a national emergency declared under the National
19 Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific
20 threat to human life or national interests, is authorized
21 to eliminate, consolidate, or relocate any office or port of
22 entry of the Customs Service, modify hours of service,
23 alter services rendered at any location, reduce the number
24 of employees at any location, or take any other action that



1 may be necessary to respond to the national emergency
2 or specific threat.

3 “(2) Notwithstanding any other provision of law, the
4 Commissioner of Customs, when necessary to respond to
5 a specific threat to human life or national interests, is au-
6 thorized to close temporarily any Customs office or port
7 of entry or take any other lesser action that may be nec-
8 essary to respond to the specific threat.

9 “(3) The Secretary of the Treasury or the Commis-
10 sioner of Customs, as the case may be, shall notify the
11 Committee on Ways and Means of the House of Rep-
12 resentatives and the Committee on Finance of the Senate
13 not later than 72 hours after taking any action under
14 paragraph (1) or (2).”.

15 **SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMA-**
16 **TION FOR CARGO AND PASSENGERS.**

17 (a) CARGO INFORMATION.—

18 (1) IN GENERAL.—Section 431(b) of the Tariff
19 Act of 1930 (19 U.S.C. 1431(b)) is amended—

20 (A) in the first sentence, by striking “Any
21 manifest” and inserting “(1) Any manifest”;
22 and

23 (B) by adding at the end the following:

24 “(2)(A) In addition to any other requirement under
25 this section, for each land, air, or vessel carrier required



1 to make entry or obtain clearance under the customs laws
2 of the United States, the pilot, the master, operator, or
3 owner of such carrier (or the authorized agent of such op-
4 erator or owner) shall provide by electronic transmission
5 cargo manifest information described in subparagraph (B)
6 in advance of such entry or clearance in such manner,
7 time, and form as prescribed by the Secretary. The Sec-
8 retary may exclude any class of land, air, or vessel carrier
9 for which the Secretary concludes the requirements of this
10 subparagraph are not necessary.

11 “(B) The information described in this subparagraph
12 is the following:

13 “(i) The port of arrival or departure, whichever
14 is applicable.

15 “(ii) The carrier code or prefix code.

16 “(iii) The flight, voyage, or trip number.

17 “(iv) The date of scheduled arrival or date of
18 scheduled departure, whichever is applicable.

19 “(v) The request for permit to proceed to the
20 destination, if applicable.

21 “(vi) The numbers and quantities from the
22 master and house air waybill, bills of lading, or
23 ocean bills of lading.

24 “(vii) The first port of lading of the cargo.

25 “(viii) A description and weight of the cargo.



1 “(ix) The shippers name and address from all
2 air waybills or bills of lading.

3 “(x) The consignee name and address from all
4 air waybills or bills of lading.

5 “(xi) Notice that actual boarded quantities are
6 not equal to air waybill or bills of lading quantities.

7 “(xii) Transfer or transit information.

8 “(xiii) Warehouse or other location of the cargo.

9 “(xiv) Such additional information that the Sec-
10 retary by regulation determines is reasonably nec-
11 essary to ensure aviation, maritime, and surface
12 transportation safety pursuant to those laws en-
13 forced and administered by the Customs Service.”.

(2) CONFORMING AMENDMENTS.—Subpara-
graphs (A) and (C) of section 431(d)(1) of such Act
are each amended by inserting before the semicolon
“or subsection (b)(2)”.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

21 “SEC. 432. PASSENGER AND CREW MANIFEST INFORMA-
22 TION REQUIRED FOR LAND, AIR, OR VESSEL
23 CARRIERS.

24 “(a) IN GENERAL.—For every person arriving or de-
25 parting on a land, air, or vessel carrier required to make



1 entry or obtain clearance under the customs laws of the
2 United States, the pilot, the master, operator, or owner
3 of such carrier (or the authorized agent of such operator
4 or owner) shall provide by electronic transmission mani-
5 fest information described in subsection (b) in advance of
6 such entry or clearance in such manner, time, and form
7 as prescribed by the Secretary.

8 “(b) INFORMATION DESCRIBED.—The information
9 described in this subsection shall include for each person
10 described in subsection (a), the person’s—

11 “(1) full name;

12 “(2) date of birth and citizenship;

13 “(3) gender;

14 “(4) passport number and country of issuance;

15 “(5) United States visa number or resident
16 alien card number, as applicable;

17 “(6) passenger name record; and

18 “(7) such additional information that the Sec-
19 retary, by regulation, determines is reasonably nec-
20 essary to ensure aviation and maritime safety pursu-
21 ant to the laws enforced or administered by the Cus-
22 toms Service.”.

23 (c) DEFINITION.—Section 401 of the Tariff Act of
24 1930 (19 U.S.C. 1401) is amended by adding at the end
25 the following:



1 “(t) The term ‘land, air, or vessel carrier’ means a
2 land, air, or vessel carrier, as the case may be, that trans-
3 ports goods or passengers for payment or other consider-
4 ation, including money or services rendered.”.

5 (d) EFFECTIVE DATE.—The amendments made by
6 this section shall take effect beginning 45 days after the
7 date of the enactment of this Act.

8 **SEC. 144. BORDER SEARCH AUTHORITY FOR CERTAIN CON-**
9 **TRABAND IN OUTBOUND MAIL.**

10 The Tariff Act of 1930 is amended by inserting after
11 section 582 the following:

12 **“SEC. 583. EXAMINATION OF OUTBOUND MAIL.**

13 “(a) EXAMINATION.—

14 “(1) IN GENERAL.—For purposes of ensuring
15 compliance with the Customs laws of the United
16 States and other laws enforced by the Customs Serv-
17 ice, including the provisions of law described in
18 paragraph (2), a Customs officer may, subject to the
19 provisions of this section, stop and search at the
20 border, without a search warrant, mail of domestic
21 origin transmitted for export by the United States
22 Postal Service.

23 “(2) PROVISIONS OF LAW DESCRIBED.—The
24 provisions of law described in this paragraph are the
25 following:



1 “(A) Section 5316 of title 31, United
2 States Code (relating to reports on exporting
3 and importing monetary instruments).

4 “(B) Sections 1461, 1463, 1465, and 1466
5 and chapter 110 of title 18, United States Code
6 (relating to obscenity and child pornography).

7 “(C) Section 1003 of the Controlled Sub-
8 stances Import and Export Act (21 U.S.C. 953;
9 relating to exportation of controlled sub-
10 stances).

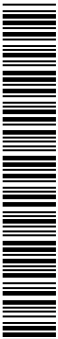
11 “(D) The Export Administration Act of
12 1979 (50 U.S.C. app. 2401 et seq.).

13 “(E) Section 38 of the Arms Export Con-
14 trol Act (22 U.S.C. 2778).

15 “(F) The International Emergency Eco-
16 nomic Powers Act (50 U.S.C. 1701 et seq.).

17 “(b) SEARCH OF MAIL NOT SEALED AGAINST IN-
18 SPECTION AND OTHER MAIL.—Mail not sealed against in-
19 spection under the postal laws and regulations of the
20 United States, mail which bears a customs declaration,
21 and mail with respect to which the sender or addressee
22 has consented in writing to search, may be searched by
23 a Customs officer.

24 “(c) SEARCH OF MAIL SEALED AGAINST INSPEC-
25 TION.—(1) Mail sealed against inspection under the postal



1 laws and regulations of the United States may be searched
2 by a Customs officer, subject to paragraphs (2) and (3),
3 upon reasonable cause to suspect that such mail contains
4 one or more of the following:

5 “(A) Monetary instruments, as defined in sec-
6 tion 1956 of title 18, United States Code.

7 “(B) A weapon of mass destruction, as defined
8 in section 2332a(b) of title 18, United States Code.

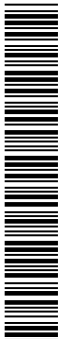
9 “(C) A drug or other substance listed in sched-
10 ule I, II, III, or IV in section 202 of the Controlled
11 Substances Act (21 U.S.C. 812).

12 “(D) National defense and related information
13 transmitted in violation of any of sections 793
14 through 798 of title 18, United States Code.

15 “(E) Merchandise mailed in violation of section
16 1715 or 1716 of title 18, United States Code.

17 “(F) Merchandise mailed in violation of any
18 provision of chapter 71 (relating to obscenity) or
19 chapter 110 (relating to sexual exploitation and
20 other abuse of children) of title 18, United States
21 Code.

22 “(G) Merchandise mailed in violation of the Ex-
23 port Administration Act of 1979 (50 U.S.C. app.
24 2401 et seq.).



1 “(H) Merchandise mailed in violation of section
2 38 of the Arms Export Control Act (22 U.S.C.
3 2778).

4 “(I) Merchandise mailed in violation of the
5 International Emergency Economic Powers Act (50
6 U.S.C. 1701 et seq.).

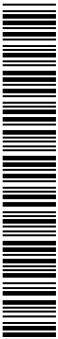
7 “(J) Merchandise mailed in violation of the
8 Trading with the Enemy Act (50 U.S.C. app. 1 et
9 seq.).

10 “(2) No person acting under authority of paragraph
11 (1) shall read, or authorize any other person to read, any
12 correspondence contained in mail sealed against inspection
13 unless prior to so reading—

14 “(A) a search warrant has been issued pursuant
15 to Rule 41, Federal Rules of Criminal Procedure; or

16 “(B) the sender or addressee has given written
17 authorization for such reading.

18 “(3) The Secretary of the Treasury shall enter into
19 a written agreement with the United States Postal Service
20 which shall provide for procedures for the search of mail
21 sealed against inspection pursuant to paragraph (1). Such
22 agreement shall provide, among other matters, for the
23 presence of employees of each agency, including a Customs
24 officer, at any search of such mail, at the locations at



1 which mail will be searched, and for avoiding any undue
2 delay in the movement of such mail.”.

3 **SEC. 145. AUTHORIZATION OF APPROPRIATIONS FOR REES-**
4 **TABLISHMENT OF CUSTOMS OPERATIONS IN**
5 **NEW YORK CITY.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There is authorized to be
8 appropriated for the reestablishment of operations of
9 the Customs Service in New York, New York, such
10 sums as may be necessary for fiscal year 2002.

11 (2) OPERATIONS DESCRIBED.—The operations
12 referred to in paragraph (1) include, but are not
13 limited to, the following:

14 (A) Operations relating to the Port Direc-
15 tor of New York City, the New York Customs
16 Management Center (including the Director of
17 Field Operations), and the Special Agent-In-
18 Charge for New York.

19 (B) Commercial operations, including tex-
20 tile enforcement operations and salaries and ex-
21 penses of—

22 (i) trade specialists who determine the
23 origin and value of merchandise;



1 (ii) analysts who monitor the entry
2 data into the United States of textiles and
3 textile products; and

4 (iii) Customs officials who work with
5 foreign governments to examine textile
6 makers and verify entry information.

7 (b) AVAILABILITY.—Amounts appropriated pursuant
8 to the authorization of appropriations under subsection (a)
9 are authorized to remain available until expended.

10 **Subtitle E—Textile Transshipment**
11 **Provisions**

12 **SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONI-**
13 **TORING BY CUSTOMS SERVICE.**

14 (a) GAO AUDIT.—The Comptroller General of the
15 United States shall conduct an audit of the system estab-
16 lished and carried out by the Customs Service to monitor
17 textile transshipment.

18 (b) REPORT.—Not later than 9 months after the date
19 of enactment of this Act, the Comptroller General shall
20 submit to the Committee on Ways and Means of the
21 House of Representatives and Committee on Finance of
22 the Senate a report that contains the results of the study
23 conducted under subsection (a), including recommenda-
24 tions for improvements to the transshipment monitoring
25 system if applicable.



1 (c) TRANSSHIPMENT DESCRIBED.—Transshipment
2 within the meaning of this section has occurred when pref-
3 erential treatment under any provision of law has been
4 claimed for a textile or apparel article on the basis of ma-
5 terial false information concerning the country of origin,
6 manufacture, processing, or assembly of the article or any
7 of its components. For purposes of the preceding sentence,
8 false information is material if disclosure of the true infor-
9 mation would mean or would have meant that the article
10 is or was ineligible for preferential treatment under the
11 provision of law in question.

12 **SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEX-**
13 **TILE TRANSSHIPMENT ENFORCEMENT OPER-**
14 **ATIONS.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated for textile transshipment enforcement
18 operations of the Customs Service \$9,500,000 for
19 fiscal year 2002.

20 (2) AVAILABILITY.—Amounts appropriated pur-
21 suant to the authorization of appropriations under
22 paragraph (1) are authorized to remain available
23 until expended.

24 (b) USE OF FUNDS.—Of the amount appropriated
25 pursuant to the authorization of appropriations under sub-



1 section (a), the following amounts are authorized to be
2 made available for the following purposes:

3 (1) IMPORT SPECIALISTS.—\$1,463,000 for 21
4 Customs import specialists to be assigned to selected
5 ports for documentation review to support detentions
6 and exclusions and 1 additional Customs import spe-
7 cialist assigned to the Customs headquarters textile
8 program to administer the program and provide
9 oversight.

10 (2) INSPECTORS.—\$652,080 for 10 Customs
11 inspectors to be assigned to selected ports to exam-
12 ine targeted high-risk shipments.

13 (3) INVESTIGATORS.—(A) \$1,165,380 for 10
14 investigators to be assigned to selected ports to in-
15 vestigate instances of smuggling, quota and trade
16 agreement circumvention, and use of counterfeit
17 visas to enter inadmissible goods.

18 (B) \$149,603 for 1 investigator to be assigned
19 to Customs headquarters textile program to coordi-
20 nate and ensure implementation of textile production
21 verification team results from an investigation per-
22 spective.

23 (4) INTERNATIONAL TRADE SPECIALISTS.—
24 \$226,500 for 3 international trade specialists to be
25 assigned to Customs headquarters to be dedicated to



1 illegal textile transshipment policy issues and other
2 free trade agreement enforcement issues.

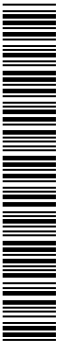
3 (5) PERMANENT IMPORT SPECIALISTS FOR
4 HONG KONG.—\$500,000 for 2 permanent import
5 specialist positions and \$500,000 for 2 investigators
6 to be assigned to Hong Kong to work with Hong
7 Kong and other government authorities in Southeast
8 Asia to assist such authorities pursue proactive en-
9 forcement of bilateral trade agreements.

10 (6) VARIOUS PERMANENT TRADE POSITIONS.—
11 \$3,500,000 for the following:

12 (A) 2 permanent positions to be assigned
13 to the Customs attaché office in Central Amer-
14 ica to address trade enforcement issues for that
15 region.

16 (B) 2 permanent positions to be assigned
17 to the Customs attaché office in South Africa to
18 address trade enforcement issues pursuant to
19 the African Growth and Opportunity Act (title
20 I of Public Law 106–200).

21 (C) 4 permanent positions to be assigned
22 to the Customs attaché office in Mexico to ad-
23 dress the threat of illegal textile transshipment
24 through Mexico and other related issues under



1 the North American Free Trade Agreement
2 Act.

3 (D) 2 permanent positions to be assigned
4 to the Customs attaché office in Seoul, South
5 Korea, to address the trade issues in the geo-
6 graphic region.

7 (E) 2 permanent positions to be assigned
8 to the proposed Customs attaché office in New
9 Delhi, India, to address the threat of illegal tex-
10 tile transshipment and other trade enforcement
11 issues.

12 (F) 2 permanent positions to be assigned
13 to the Customs attaché office in Rome, Italy, to
14 address trade enforcement issues in the geo-
15 graphic region, including issues under free
16 trade agreements with Jordan and Israel.

17 (7) ATTORNEYS.—\$179,886 for 2 attorneys for
18 the Office of the Chief Counsel of the Customs Serv-
19 ice to pursue cases regarding illegal textile trans-
20 shipment.

21 (8) AUDITORS.—\$510,000 for 6 Customs audi-
22 tors to perform internal control reviews and docu-
23 ment and record reviews of suspect importers.



1 (9) ADDITIONAL TRAVEL FUNDS.—\$250,000
2 for deployment of additional textile production ver-
3 ification teams to sub-Saharan Africa.

4 (10) TRAINING.—(A) \$75,000 for training of
5 Customs personnel.

6 (B) \$200,000 for training for foreign counter-
7 parts in risk management analytical techniques and
8 for teaching factory inspection techniques, model law
9 Development, and enforcement techniques.

10 (11) OUTREACH.—\$60,000 for outreach efforts
11 to United States importers.

12 **TITLE II—OFFICE OF THE**
13 **UNITED STATES TRADE REP-**
14 **RESENTATIVE**

15 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—Section 141(g)(1) of the Trade
17 Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

18 (1) in subparagraph (A)—

19 (A) in the matter preceding clause (i), by
20 striking “not to exceed”;

21 (B) in clause (i) to read as follows:

22 “(i) \$30,000,000 for fiscal year 2002.”; and

23 (C) in clause (ii) to read as follows:

24 “(ii) \$31,000,000 for fiscal year 2003.”; and

25 (2) in subparagraph (B)—



1 (A) in clause (i), by adding “and” at the
2 end;

3 (B) by striking clause (ii); and

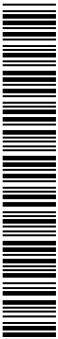
4 (C) by redesignating clause (iii) as clause
5 (ii).

6 (b) SUBMISSION OF OUT-YEAR BUDGET PROJEC-
7 TIONS.—Section 141(g) of the Trade Act of 1974 (19
8 U.S.C. 2171(g)) is amended by adding at the end the fol-
9 lowing:

10 “(3) By not later than the date on which the Presi-
11 dent submits to Congress the budget of the United States
12 Government for a fiscal year, the United States Trade
13 Representative shall submit to the Committee on Ways
14 and Means of the House of Representatives and the Com-
15 mittee on Finance of the Senate the projected amount of
16 funds for the succeeding fiscal year that will be necessary
17 for the Office to carry out its functions.”.

18 (c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT
19 U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AF-
20 FAIRS.—

21 (1) IN GENERAL.—There is authorized to be
22 appropriated such sums as may be necessary for fis-
23 cal year 2002 for the salaries and expenses of two
24 additional legislative specialist employee positions



1 within the Office of the Assistant United States
2 Trade Representative for Congressional Affairs.

3 (2) AVAILABILITY.—Amounts appropriated pur-
4 suant to the authorization of appropriations under
5 paragraph (1) are authorized to remain available
6 until expended.

7 **TITLE III—UNITED STATES**
8 **INTERNATIONAL TRADE COM-**
9 **MISSION**

10 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff
12 Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

13 (1) in clause (i) to read as follows:

14 “(i) \$51,400,000 for fiscal year 2002.”; and

15 (2) in clause (ii) to read as follows:

16 “(ii) \$53,400,000 for fiscal year 2003.”.

17 (b) SUBMISSION OF OUT-YEAR BUDGET PROJEC-
18 TIONS.—Section 330(e) of the Tariff Act of 1930 (19
19 U.S.C. 1330(e)(2)) is amended by adding at the end the
20 following:

21 “(4) By not later than the date on which the Presi-
22 dent submits to Congress the budget of the United States
23 Government for a fiscal year, the Commission shall submit
24 to the Committee on Ways and Means of the House of
25 Representatives and the Committee on Finance of the



1 Senate the projected amount of funds for the succeeding
2 fiscal year that will be necessary for the Commission to
3 carry out its functions.”.

4 **TITLE IV—OTHER TRADE**
5 **PROVISIONS**

6 **SEC. 401. INCREASE IN AGGREGATE VALUE OF ARTICLES**
7 **EXEMPT FROM DUTY ACQUIRED ABROAD BY**
8 **UNITED STATES RESIDENTS.**

9 (a) IN GENERAL.—Subheading 9804.00.65 of the
10 Harmonized Tariff Schedule of the United States is
11 amended in the article description column by striking
12 “\$400” and inserting “\$800”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall take effect 90 days after the date of
15 the enactment of this Act.

16 **SEC. 402. REGULATORY AUDIT PROCEDURES.**

17 Section 509(b) of the Tariff Act of 1930 (19 U.S.C.
18 1509(b)) is amended by adding at the end the following:

19 “(6)(A) In any audit conducted under this sec-
20 tion, the Secretary shall adjust any loss of revenue
21 determined to be due under section 592(d) and any
22 under-declarations of quantities and values attrib-
23 utable to finally liquidated entries by the amount of
24 any duty overpayments and any over-declarations of
25 quantities and values attributable to finally liq-



1 uidated entries if such overpayments or over-declara-
2 tions were not made by the person being audited
3 with the intent of violating any provision of law.

4 “(B) The Secretary shall prescribe regulations
5 with respect to the use of the calculations described
6 in subparagraph (A) for any proceeding relating to
7 the collection of revenue or the calculation of pen-
8 alties involving liquidated entries under section 592.

9 “(C) Nothing in this paragraph shall be con-
10 strued to authorize a refund not otherwise author-
11 ized under section 520.”.

